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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,331

07/03/2003

John Eugene Allamon

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EXAMINER

HAYLES, ASHFORD S

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,331	Applicant(s) ALLAMON ET AL.	
	Examiner Ashford S. Hayles	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/13/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-11, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (6,604,107) further in view of Aoki (PG PUB. 2001/0039531).**

As per Claim 1, 10, 11, and 20, Wang teaches a method for:

receiving at least one attribute of at least one item (Column 3, lines 15-20);

searching an electronic database (Column 7 lines 8-9) to compile an identified listing of items (Column 7, lines 26-28), wherein the database contains a listing of items (Figure 1, Database 23), each item in the listing of items having the at least one attribute (Figure 3, Generic Attribute Table 202); each attribute being common to a plurality of items in the listing of items, and wherein each item in the identified listing of

items has the at least one received attribute (Column 4, lines 2-9); an index of the total number of items per each identified attribute (Figure 6, Attribute Position 606); displaying the generated lots in an organized manner (Figure 6, Attribute Map Table 208).

However, Wang fails to disclose creating a lot having a plurality of items, generating a lot listing from the identified listing of items, wherein the generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction.

Wang and Aoki are within the same field of online auctioning. Aoki teaches creating a lot having a plurality of items (¶ [0052], lines 65-67 discuss when exhibiting multiple items, an operation to group the multiple items i.e., exhibiting as the grouped items), generating a lot listing from the identified listing of items (¶ [0057], lines 46-49 discuss multiple items are collectively subject to auction as grouped items, individual items composing the grouped items are listed in the item introduction field), and wherein the generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction (Figure 4B, Display Field 430).

Therefore it would have been obvious to one of ordinary skill in the art to modify the generic attribute database system of Wang to include the auction system and program as taught by Aoki to be able to group multiple similar items in a group to be auctioned.

As per Claim 2 and 14, Wang teaches, wherein the electronic database comprises an attribute-based electronically searchable list of a plurality of attributes (Column 5, lines 63-67 through columns 6, lines 1-6).

As per Claim 3, Wang teaches wherein the identified listing of items comprises an index of the total number of items per each identified attribute (Column 3, lines 2-5).

As per Claim 4 and 15, Wang further teaches wherein the generating further comprises grouping items with similar characteristics and prices (Column 5, lines 50-52).

As per Claim 5-6 and 16-17, Wang teaches wherein a plurality of attributes are received and the generating comprises selecting the items in the lot listing having all or any of the identified attributes (Column 3, lines 14-20 via an automobile will have some or all of the identified attributes).

As per Claim 7, 18 and 21, Wang teaches at least one attribute comprises at least one of an operation, material, fabrication, process, tolerance, size, weight, specification and any other feature of a part (Column 1, lines 29-30 via size as a displayed attribute).

As per Claim 8, Wang teaches displaying the generated lots in a formatted manner (Figure 6, Attribute Map Table 200).

As per Claim 9, 19, and 22, Wang teaches that items to be auctioned comprise at least one of parts, materials, and components (Column 3, lines 51-62).

Response to Arguments

Applicant argues: *"Having a seller use "an operation to group ...multiple items" is not the same as "generating a lot listing from the identified listing of items" where "each item in the identified listing of items has the at least one received attribute" as recited in Claim 1".*

Aoki describes a manual method of generating a lot listing from an identified listing of items. When Aoki is combined with Wong's identified attributes, the multiple items are grouped and are collectively subject to auction as grouped items, individual items composing the grouped items are listed in the item introduction field.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to automate a lot listing from the identified listing of items, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashford S. Hayles whose telephone number is 571-270-5106. The examiner can normally be reached on Monday thru Thursday 8:30 to 4:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

/A. S. H./
Examiner, Art Unit 3687